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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,302

03/22/2004

Leslie Nien

BHT-3125-198

9144

7590

09/30/2005

TROXELL LAW OFFICE PLLC
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EXAMINER

MATZEK, MATTHEW D

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,302

Applicant(s)

NIEN, LESLIE

Examiner

Matthew D. Matzek

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner interprets the article of instant claim 1 to be a dinner pad comprising a plurality of support sticks integrally woven with a woven fabric to provide a piece of decoration article wherein the support sticks are equidistantly wrapped in place by the woven fabric thereof, and an adhesive layer is coated at the upper and lower surfaces of the decoration article thereon respectively, securely binding together the weaving spots of the woven fabric and each support stick thereof to form a rigid and solid piece of the decoration article that is further cut into specific dinner pads via molds of different shapes. The remaining "limitations" of claim 1 do not add to the structural or compositional limitations of the article that is instantly claimed and therefore is merely extraneous information that renders the claim confusing and indefinite. Applicant is directed to amend claim 1 to include only limitations that are pertinent to the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bussard et al. (US 2,827,414).

a. Bussard et al. teach a decorative material comprising "woven wood" formed of adjacent, parallel, strips of bamboo held together by transverse, relatively widely spaced threads of the same or contrasting color (col. 1, lines 15-30). The woven wood is bonded between two clear and transparent polymeric layers (col. 1, lines 37-44). Figures 1-4 anticipate instant claims 3-6. As the article is directed for household use it is the Examiner's interpretation that the preferred, polyester resin is safe for use in a dinner pad.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (JP 06-170812). A machine translation has served as the basis of this rejection. A full translation will be provided in subsequent Office Actions.

a. Shimizu teaches a material comprising bamboo strips woven together with a synthetic fiber to form a bamboo screen that is then impregnated with thermosetting resin (Abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima (US 3,932,247) in view of Ikeda (US 5,009,905).

- a. Oshima teaches a luncheon mat comprising a plurality of hollow or solid rods, which are fastened together via strings or threads positioned at pre-determined intervals traversing the rods at pre-determined intervals and coated on one side with a transparent polymer (col. 1, lines 7-45 and col. 4, lines 52-60). Figures 1 and 4 anticipate the orientations disclosed in instant claims 3-6. The invention of Oshima is silent as to the coating the backside of the mat with a polymeric layer and making the mat with bamboo rods.
- b. Ikeda teaches the use of a bamboo mat for serving food, in particular sushi (Abstract).
- c. Since Oshima and Ikeda are from the same field of endeavor (i.e. luncheon mats), the purpose disclosed by Ikeda would have been recognized in the pertinent art of Oshima.
- d. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the mat of Oshima to include bamboo rods with the motivation of mechanically superior and more aesthetically pleasing article.
- e. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the mat of Oshima to be covered on both faces with transparent polymer motivated by the desire to protect the supportive rods from the bottom as well as the top of the mat.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NORCA TORRES
PRIMARY EXAMINER

mdm